

1 S.58

2 Introduced by Senator Rodgers

3 Referred to Committee on

4 Date:

5 Subject: Agriculture; hemp

6 Statement of purpose of bill as introduced: This bill proposes to amend the  
7 requirements of the State hemp program to conform to federal requirements for  
8 the cultivation of hemp.

9 An act relating to the State hemp program

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 6 V.S.A. § 562 is amended to read:

12 § 562. DEFINITIONS

13 As used in this chapter:

14 \* \* \*

15 (2) “Hemp products” or “hemp-infused products” means all products  
16 ~~made from hemp~~ with the federally defined tetrahydrocannabinol  
17 concentration level for hemp derived from, or made by, processing hemp  
18 plants or plant parts, that are prepared in a form available for commercial sale,  
19 including cosmetics, personal care products, food intended for animal or  
20 human consumption, cloth, cordage, fiber, ~~food~~, fuel, paint, paper, construction

1 ~~materials particleboard, plastics, seed, seed meal, seed oil, and certified seed~~  
2 ~~for cultivation and any product containing one or more hemp-derived~~  
3 ~~cannabinoids, such as cannabidiol.~~

4 (3) “Hemp” or “industrial hemp” means the plant Cannabis sativa L. and  
5 any part of the plant, ~~whether growing or not, with a delta-9~~  
6 ~~tetrahydrocannabinol concentration of not more than 0.3 percent on a dry~~  
7 ~~weight basis including the seeds and all derivatives, extracts, cannabinoids,~~  
8 ~~isomers, acids, salts, isomers, and salts of isomers, whether growing or not,~~  
9 ~~with the federally defined tetrahydrocannabinol concentration level of hemp.~~  
10 “Hemp” shall be considered an agricultural commodity.

11 (4) “Secretary” means the Secretary of Agriculture, Food and Markets.

12 Sec. 2. 6 V.S.A. § 564 is amended to read:

13 § 564. REGISTRATION; ADMINISTRATION; ~~PILOT PROJECT~~

14 (a) The Secretary shall establish a ~~pilot~~ program to ~~research~~ regulate the  
15 growth, cultivation, and marketing of industrial hemp. Under the ~~pilot~~  
16 program, the Secretary shall register persons who will participate in the ~~pilot~~  
17 program through growing or cultivating industrial hemp. The Secretary shall  
18 certify the site where industrial hemp will be cultivated by each person  
19 registered under this chapter. A person who intends to participate in the ~~pilot~~  
20 program and grow industrial hemp shall register annually with the Secretary  
21 and submit on a form provided by the Secretary the following:

1 (1) the name and address of the person;

2 (2) a statement that the seeds obtained for planting are of a type and  
3 variety that do not exceed the ~~maximum concentration of tetrahydrocannabinol~~  
4 ~~set forth in subdivision 562(3) of this title~~ federally defined  
5 tetrahydrocannabinol concentration level of hemp; and

6 (3) the location and acreage of all parcels sown and other field reference  
7 information as may be required by the Secretary.

8 (b) The form provided by the Secretary pursuant to subsection (a) of this  
9 section shall include a notice statement that:

10 (1) cultivation and possession of industrial hemp in Vermont is a  
11 violation of ~~the federal Controlled Substances Act~~ law unless the industrial  
12 hemp is grown, cultivated, or marketed under a ~~pilot~~ program authorized by  
13 ~~section 7606 of the federal Agricultural Act of 2014, Pub. L. No. 113-79;~~  
14 section 10113 of the Agriculture Improvement Act of 2018, Pub. L. No. 115-  
15 334; and

16 (2) ~~federal prosecution for growing hemp in violation of federal law~~  
17 ~~may include criminal penalties, forfeiture of property, and loss of access to~~  
18 ~~federal agricultural benefits, including agricultural loans, conservation~~  
19 ~~programs, and insurance programs ; and~~

20 (3) registrants may purchase or import hemp genetics from any state that  
21 complies with federal requirements for the cultivation of industrial hemp.

1 (c) A person registered with the Secretary pursuant to this section shall  
2 allow industrial hemp crops, throughout sowing, growing season, harvest,  
3 storage, and processing, to be inspected and tested by and at the discretion of  
4 the Secretary or designee. The Secretary shall retain tests and inspection  
5 information collected under this section for the purposes of research of the  
6 growth and cultivation of industrial hemp.

7 (d) The Secretary may assess an annual registration fee of \$25.00 for the  
8 performance of his or her duties under this chapter.

9 Sec. 3. 6 V.S.A. § 566 is amended to read:

10 § 566. RULEMAKING AUTHORITY

11 (a) The Secretary may adopt rules to provide for the implementation of this  
12 chapter and the ~~pilot project~~ program authorized under this chapter, which may  
13 include rules to:

14 (1) require hemp to be tested during growth for tetrahydrocannabinol  
15 levels;

16 (2) authorize or specify the method or methods of testing hemp,  
17 including, where appropriate, the ratio of cannabidiol to tetrahydrocannabinol  
18 levels or a taxonomic determination using genetic testing; and

19 (3) ~~to~~ require inspection and supervision of hemp during sowing,  
20 growing season, harvest, storage, and processing. ~~The Secretary shall not~~

1 ~~adopt under this or any other section a rule that would prohibit a person to~~  
2 ~~grow hemp based on the legal status of hemp under federal law.~~

3 (b) The Secretary shall adopt rules establishing how the Agency of  
4 Agriculture, Food and Markets will conduct research within the ~~pilot~~ program  
5 for industrial hemp.

6 (c) The Secretary shall adopt rules establishing requirements for the  
7 registration of processors of hemp and hemp-infused products.

8 Sec. 4. 6 V.S.A. § 569 is added to read:

9 § 569. STATE HEMP PROGRAM SPECIAL FUND

10 (a) There is created the State Hemp Program Special Fund to be  
11 administered by the Secretary of Agriculture, Food and Markets. The Fund  
12 shall consist of:

13 (1) appropriations or revenues dedicated for deposit into the Fund by the  
14 General Assembly;

15 (2) registration or application fees collected under this chapter; and

16 (3) gifts, donations, or other funds received from any source, public or  
17 private, dedicated for deposit into the Fund and approved by the Secretary of  
18 Administration.

19 (b) The Secretary of Agriculture, Food and Markets may use monies  
20 deposited in the Fund for the costs of personnel, program administration,  
21 testing, and other costs incurred by the Agency of Agriculture, Food and

1 Markets in administration and implementation of the requirements of this  
2 chapter and in conducting industrial hemp research under this chapter.

3 (c) Notwithstanding the requirements of 32 V.S.A. § 588(3), interest earned  
4 by the Fund shall be retained in the Fund from year to year.

5 Sec. 5. EFFECTIVE DATE

6 This act shall take effect on passage.